

DETAILED ACTION

Applicant's amendment filed on February 8, 2012 is acknowledged and has been entered. Claims 8-83 have been canceled. Claims 1-7 are pending.

Claims 1-7 are discussed in this Office action.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on November 30, 2011 and February 8, 2012 were filed in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to 1.132 Declaration

The declarations under 37 CFR 1.132 filed February 8, 2012 are sufficient to overcome the rejection of claims 1-4 based upon Rabbani in view of David.

Allowable Subject Matter

Claims 1-7 are allowed.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: In view of the persuasive declarations filed by Mitani and the declaration filed by Ishidao, the rejection of claims as being obvious over Rabbani and David is withdrawn. The claimed invention requires a first "turn back" primer (with a turn back region at the 5' end of primer; see Figure 3a of

specification) and a "fold back" primer (with a folded sequence the 5' end of primer; see Figure 3a). While the individual primers are separately taught in the art, there is no reason to combine them together into one amplification reaction. For example, Rabbani clearly teaches the tailed turnback primer and David clearly teaches the folded primer, but as noted in the declaration filed February 8, 2012 the combination is unsuitable because of lack of functionality.

As argued in the instant response and as noted in the Ishidao declaration, the David reference teaches the folded primer as part of a method that uses two of the same type of folded primer in amplification. The experiment in the declaration submitted by Ishidao uses the same primer sequences as disclosed by David and does not achieve measurable amplification. Further, the turn back primer of Rabbani together with a PCR primer is also non-functional in combination, as established by the Mitani declaration. Considering these experimental results, it would not have been obvious to one of ordinary skill to pull the folded primer from David and the tailed primer of Rabbani and put them together, especially when the individual primers are pulled from references that disclose one or non-functional amplification methods. Therefore, for at least these reasons, the claims are novel and non-obvious over the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE K. MUMMERT whose telephone number is (571)272-8503. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephanie K. Mummert/
Primary Examiner, Art Unit 1637

SKM